

**HOUSE JOURNAL
61ST LEGISLATURE
NINETEENTH LEGISLATIVE DAY**

Helena, Montana
January 27, 2009

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Taylor. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Noonan, Chairman): 1/27/2009
HB 98, do pass. Report adopted.

JUDICIARY (Stoker, Chairman): 1/27/2009
HB 55, introduced bill, be amended as follows:

1. Page 2.

Following: line 21

Strike: ", "

Insert: ":

(i) notify the school district in which the youth is enrolled of the adjudication, any terms of probation, and the facts of the offense for which the youth was adjudicated and provide a copy of the court's disposition order to the district; and

(ii)"

2. Page 2, line 22.

Following: "46-18-255(2)"

Insert: ", unless the youth is approved by the department for placement in a home, program, or facility for delinquent youth"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/27/2009

SB 111, introduced by Ripley

SB 131, introduced by Williams

SB 152, introduced by Brueggeman

SB 196, introduced by Windy Boy

SB 215, introduced by Steinbeisser

Senate joint resolutions passed and transmitted to the House for concurrence: 1/27/2009

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SJR 4, introduced by Laible
SJR 8, introduced by Hawks
SJR 13, introduced by Zinke

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 376, introduced by Taylor, Kottel, referred to Judiciary.
HB 377, introduced by Reinhart, referred to Transportation.
HB 378, introduced by Blasdel, Wanzenried, referred to Business and Labor.
HB 379, introduced by Hendrick, referred to Natural Resources.

The following Senate bills were introduced, read first time, and referred to committees:

SB 111, introduced by Ripley, referred to Natural Resources.
SB 131, introduced by Williams, referred to Natural Resources.
SB 152, introduced by Brueggeman, referred to Transportation.
SB 196, introduced by Windy Boy, Belcourt, Stewart-Perego, Pease-Lopez, Boss Ribs, Campbell, Augare, referred to State Administration.
SB 215, introduced by Steinbeisser, referred to Local Government.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJR 4, introduced by Laible, referred to Education.
SJR 8, introduced by Hawks, referred to Education.
SJR 13, introduced by Zinke, referred to State Administration.

MOTIONS

Rep. Campbell moved to take **HB 190** from the House Appropriations Committee and place on 3rd reading on this legislative day. Motion Carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Campbell moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Brown in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 60 - Representative Ebinger moved **HB 60** do pass. Motion **carried** as follows:

Yeas: Augare, Barrett, Becker, Belcourt, Blewett, Boland, Boniek, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jopek, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Menahan, More, A. Noonan, P. Noonan, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roberts, Roundstone, Sands, Sesso, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 55

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Nays: Ankney, Arntzen, Bean, B. Beck, P. Beck, Bennett, Berry, Blasdel, Butcher, Glaser, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kasten, Kerns, Klock, Lake, MacLaren, McGillvray, McNutt, Mehlhoff, Mendenhall, Milburn, Miller, Morgan, Nooney, O'Hara, Peterson, Randall, Regier, Reichner, Sales, Smith, Sonju, Stahl, Taylor, Vance, Vincent, Washburn, Welborn.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - Representative Getz moved **HB 129** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Brown, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jones, Jopek, Kasten, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roundstone, Sands, Sesso, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 81

Nays: Bennett, Blasdel, Boniek, Butcher, Hendrick, Hoven, Howard, Kerns, Lake, McGillvray, Mendenhall, Miller, More, Randall, Roberts, Sales, Smith, Vincent, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 205 - Representative Ebinger moved **HB 205** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

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Absent or not voting: Stahl.
Total 1

HB 13 - Representative Hunter moved **HB 13** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Washburn, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 63

Nays: Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, Milburn, Miller, More, Peterson, Randall, Regier, Reichner, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Vincent, Wagner, Warburton, Welborn.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 27 - Representative Wiseman moved **HB 27** do pass. Motion **carried** as follows:

Yeas: Ankney, Augare, Barrett, P. Beck, Becker, Belcourt, Berry, Blewett, Boland, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollenbaugh, Hunter, Jones, Jopek, Klock, Kottel, MacDonald, Malek, McAlpin, McChesney, McClafferty, Mehlhoff, Menahan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski, Reichner, Reinhart, Roundstone, Sands, Sesso, Steenson, Van Dyk, Villa, Vincent, Wilmer, Wilson, Wiseman, Mr. Speaker.
Total 58

Nays: Arntzen, Bean, B. Beck, Bennett, Blasdel, Boniek, Brown, Butcher, Hawk, Hendrick, Himmelberger, Hollandsworth, Hoven, Howard, Ingraham, Kasten, Kerns, Lake, MacLaren, McGillvray, McNutt, Mendenhall, Milburn, Miller, More, Morgan, Nooney, Peterson, Randall, Regier, Roberts, Sales, Smith, Sonju, Stahl, Stoker, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 42

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 221 - Representative Cohenour moved **HB 221** do pass. Motion **carried** as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boniek, Boss Ribs, Brown, Butcher, Caferro, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin,

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McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 95

Nays: P. Beck, Himmelberger, Ingraham, Regier.

Total 4

Excused: None.

Total 0

Absent or not voting: Campbell.

Total 1

Majority Leader Campbell moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 85

Nays: Blasdel, Boniek, Hawk, Hendrick, Himmelberger, Kasten, Lake, McGillvray, Mendenhall, Miller, More, Regier, Sales, Vincent.

Total 14

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 48 passed as follows:

Yeas: Arntzen, Augare, Barrett, Bean, P. Beck, Becker, Belcourt, Bennett, Berry, Blewett, Boland, Boniek, Boss Ribs, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Klock, Kottel, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, O'Hara, Pease-Lopez, Phillips, Pomnichowski,

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Regier, Reinhart, Roundstone, Sands, Sesso, Stahl, Steenson, Stoker, Van Dyk, Villa, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 77

Nays: Ankney, B. Beck, Blasdel, Brown, Butcher, Hawk, Hendrick, Kasten, Kerns, Lake, McGillvray, Mendenhall, Nooney, Peterson, Randall, Reichner, Roberts, Sales, Smith, Sonju, Taylor, Vance, Vincent.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 168 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jones, Jopek, Kerns, Klock, Kottel, Lake, MacLaren, Malek, McAlpin, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Randall, Regier, Reichner, Reinhart, Roberts, Roundstone, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Vance, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 93

Nays: Boniek, Howard, Kasten, McGillvray, Morgan, Sales.

Total 6

Excused: None.

Total 0

Absent or not voting: MacDonald.

Total 1

HB 190 passed as follows:

Yeas: Ankney, Arntzen, Augare, Barrett, Bean, B. Beck, P. Beck, Becker, Belcourt, Bennett, Berry, Blasdel, Blewett, Boland, Boss Ribs, Brown, Butcher, Caferro, Campbell, Cohenour, Dickenson, Driscoll, Ebinger, Fleming, French, Furey, Getz, Glaser, Grinde, Hamilton, Hands, Hawk, Hendrick, Henry, Himmelberger, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jones, Jopek, Kasten, Kerns, Klock, Kottel, Lake, MacDonald, MacLaren, Malek, McAlpin, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Mendenhall, Milburn, Miller, More, Morgan, A. Noonan, P. Noonan, Nooney, O'Hara, Pease-Lopez, Peterson, Phillips, Pomnichowski, Regier, Reichner, Reinhart, Roberts, Roundstone, Sales, Sands, Sesso, Smith, Sonju, Stahl, Steenson, Stoker, Taylor, Van Dyk, Villa, Vincent, Wagner, Warburton, Washburn, Welborn, Wilmer, Wilson, Wiseman, Mr. Speaker.

Total 97

Nays: Boniek, Randall, Vance.

Total 3

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Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Rep. Campbell moved that **HB 60** be moved to the House Appropriations Committee.
Rep. Campbell moved that **HB 27** be moved to the House Appropriations Committee.

ANNOUNCEMENTS

Mr. Speaker announced to the body to clear their desks for tomorrow's State of the State Address by the Governor. From 9:00 to 10:00 and from 4:00 to 4:45 the house chambers will be locked for security reasons. We will also re-adjoin tomorrow for the State of the State Address beginning promptly at 6:40 p.m. tomorrow.

Rep. Klock MT Tavern reception tonight at Jorgenson's.

Committee meetings were announced by the committee chairs.

Representative Campbell moved that the House adjourn until 1:00 p.m., Wednesday, January 28, 2009. Motion carried.

House adjourned at 2:01 p.m.

DAVE HUNTER
Chief Clerk of the House

BOB BERGREN
Speaker of the House